

March 8, 2004

Assistant Commissioner of Patents

Washington, DC 20231

RECEIVED
MAR 25 2004

GROUP 1000

PROTEST UNDER 37 CFR 1.291(a)

Re: Hybrid network based advertising system and method

US File # **20020082914**

Filed: December 26, 2000

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is **20020082914**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system using a database containing advertisements stored and maintained at the client level in cache or on disk (0024) (0025) in a client-server ad delivery system. This patent application relates to displaying/printing advertising by matching voluntary user action such as relating to voluntary user actions (0023). This is referred to as "pull" advertising as a voluntary action on the part of a user interacts with a pre-established database and a targeted ad is displayed. The system is described in (0022) (0023) (0024) (0025) (0030) (0060) and others.

The abstract reads, "The invention relates to a system and method for presenting advertisements to a user. A user network processing device transmits at least one user request for an advertisement and presents advertisements served in response to the user request for an advertisement to the user. A content provider server having a local ad delivery engine with local ad campaign data receives the user request for an advertisement and transmits an advertisement to the user in response to the user request for an advertisement. A central ad planning server having a database operable to store central ad campaign data, the central ad planning server periodically transmits at least a portion of the database to the content provider server to update the local ad campaign data."

Relevant Claims are 1, 2, 3, 4, 9, 10 and others in which the inventor refers to triggering and displaying ads stored at the client level.

I am objecting to this patent filing as it is neither novel nor unique. It is of particular note that prior art submitted does not include references to systems that were commercially offered in 2000. The filers are correct that a targeted

system based on interactive actions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... equivalent technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998
3. WO9955066 (A1) or EP1076983 (A1) ... equivalent technology

There may be more prior art preceding the 3/26/2001 filing.

I believe the Examiner should look very closely at the Claim made and judge accordingly.

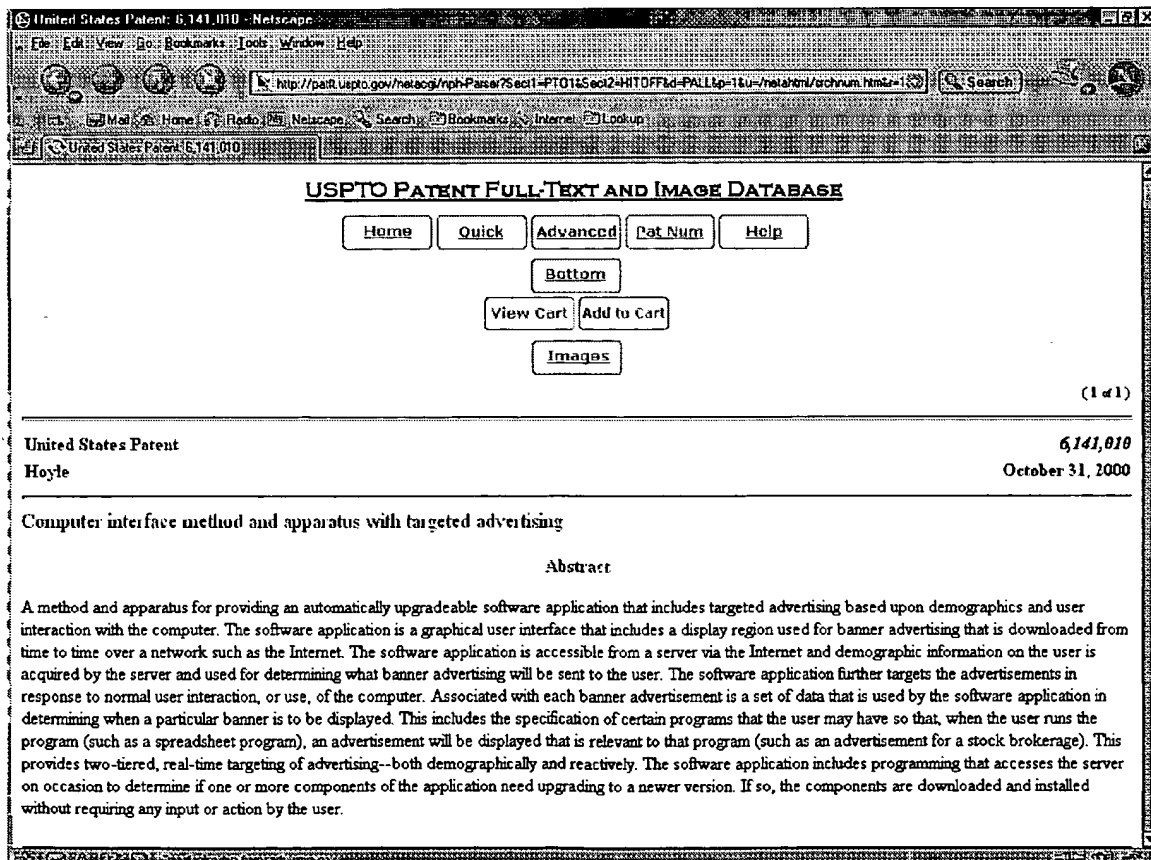
The screenshot shows the Esp@cenet website interface. The browser window title is "esp@cenet document view - Netscape". The address bar shows the URL: "http://V3.espacenet.com/doc?A=Z&term&=q&RST=1&CY=ep&LG=en&DB=EPODOC&A=IA&kw=Z&term&Ssubmit". The page header includes the Esp@cenet logo and navigation links like "Home", "Radio", "Newspaper", "Search", "Bookmarks", "Internet", and "Lookup".

The main content area displays the following information:

- European Patent Office**
- INPADOC LEGAL status**
- Patent number:** CA2328913
- Publication date:** 1999-10-29
- Inventor:** ZETMEIR KARL D (US)
- Applicant:** ZETMEIR KARL D (US)
- Classification:**
 - international: H04M3/00
 - European: H04M3/00
- Application number:** CA1609222/913-10000414
- Priority number(s):** US 1008005/2041-10080417; WO 1009005/102-10090414
- Also published as:**
 - WO9955066 (A1)
 - EP1076983 (A1)

The **Abstract of CA2328913** is as follows:

A telephone call management computer program that provides both call management features and long distance savings for telephone consumers and marketing and advertising services for sponsor companies that wish to advertise to the consumer is disclosed. The call management program is initially stored on a host computer (12) and is then downloaded upon request to user computers (22) along with advertisement banners selected by the sponsor companies. When used, the program automatically front loads a long distance carrier's PIC code in front of all long distance calls made from the user computers to permit consumers to automatically make long distance phone calls at discounted rates without memorizing numerous PIC codes and without continually shopping for the best long distance rate. The program also provides many enhanced telephone calling options and displays the banners and other advertising directly on the user computers (22) while the consumers use the program.



Claria - Corporate Overview - Overview - Netscape

File Edit View Go Bookmarks Tools Window Help

http://www.claria.com/companyinfo/ Search

Claria - Corporate Overview - Overview

CLARIA.

CORPORATE OVERVIEW

- CORPORATE OVERVIEW
- OVERVIEW
- NEWS ROOM
- COMPANY INFO
- EMPLOYMENT
- ADVERTISE
- PRODUCTS & SERVICES
- CONTACT US

Overview

■ Claria Corporation Overview

Claria Corporation is the leader in online behavioral marketing, serving over 38 million consumers and more than 900 Advertisers – including over 80 Fortune 1000 companies. Claria publishes advertising messages for top tier companies and agencies to consumers who are part of the GAIN Network, Claria's network of over 38 million consumers who agree to receive advertising based on their actual online behavior.

Unlike traditional demographic targeting, Claria's behavioral marketing model combines powerful insights into consumer behavior and the ability to deliver contextually targeted messages. The relevancy of the messages drives click-through and conversion rates up to 40 times higher than traditional banner ads – boosting campaign results to unprecedented levels. The difference is Claria's deep insights into consumer online behavior. Claria allows advertisers to target consumers based on their individual needs and interests resulting in industry leading ROI, not mass demographically targeted Web site populations.

In addition to its advertising network, Claria provides marketing research and business insights through its Feedback Research division. Feedback Research delivers in-depth analytics of consumer Web usage patterns across the entire Internet that cannot be attained via any other research provider. It also provides full service custom marketing research to Fortune 1000 clients. With exclusive access to the GAIN Network's 38 million consumers, Feedback Research surveys hard to reach consumers, based on their individual online behavior, quickly and cost-effectively.

■ History

Claria was founded in 1998 as The Gator Corporation to deliver the promise of one-to-one marketing on the Internet. The guiding vision was to develop a massive consumer audience by offering valuable web/software content for free in exchange for the right to show highly targeted advertising based on consumers' anonymous surfing behavior. Launched in June 1999, the Gator eWallet was the company's first free ad-supported software product, and it quickly grew to become the most popular product in its category.

By November 1999, Claria had revolutionized the online advertising industry by introducing its contextual and behavioral relevant online advertising model. This new advertising method resulted in unparalleled ROI for advertisers.

Claria headquarters are located in Redwood City, California, with U.S. offices in Los Angeles, Chicago, New York, Detroit, Austin, and International offices in the U.K. and Asia. Claria is backed by top-tier venture capitalists such as Greylock, Technology Crossover Ventures, U.S. Venture Partners, Jovetex AB and Corelink Capital.